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riched by an elaborate historical introduction by Professor Commons.

The Labor Conspiracy Cases present spirited pictures of the tactics of industrial warfare employed by the militant labor-unions of the period. They also evidence the novelty of the peculiar measures resorted to, as well as the instinctive alarm aroused by them in the different communities affected.

These decisions, however, have exercised but little permanent influence upon labor law in the United States. They resulted from attempts to fit the harsh doctrines of the old English common law to an environment utterly different from that in which these doctrines had their origin. Fortified by the decisions in *Rex v. Wise* (The Journey-men Tailors of Cambridge) and *Rex v. Sterling et al.* (The Tub-women v. the Brewers of London), the judges who sat in these cases instructed the juries that the combinations charged were criminal conspiracies by reason of the harm done to trade and commerce by strikes and the increased wages thereby secured, and of the ruin brought upon non-union men by the loss of their employment.

Neither of the principles so laid down has prevailed. In *Commonwealth v. Hunt*, 4 Metcalf 111 (1842), the Supreme Judicial Court of Massachusetts held that a combination to strike for better wages is not a conspiracy, and this doctrine has never been questioned since. Later decisions also, while still declaring illegal a combination to force a man to join the union by depriving him of his employment by threats to strike against him, have modified the reasoning by which this result was reached. In the Labor Conspiracy Cases the courts looked only at the damage thereby done to the "scab", and held the combination illegal upon the broad ground that it was a combination to "impoverish" him. The later decisions have introduced the qualifying conception that the concerted infliction of intentional damage of this character is not unlawful if the members of the combination can show sufficient justification, in the way of substantial advancement of their legitimate material interests likely to result to themselves, always provided their acts are not unlawful *per se*. And while the courts of to-day will not permit a union to procure the discharge of a non-union man for the sole purpose of compelling him to become a member, it is because they do not regard the desire to have him join the union as sufficient justification for the loss thus directly and intentionally inflicted upon him.

J. WALLACE BRYAN.

Fifty Years in Camp and Field: Diary of Ethan Allen Hitchcock, Major-General, U. S. A. Edited by W. A. CROFFUT, Ph.D. (New York and London: G. P. Putnam's Sons. 1909. Pp. xv, 514.)

WE are adding quite rapidly to our stock of valuable biographical works relating to recent history. Few of them are more absorbing than that which is based on the voluminous diaries kept by General Ethan

Allen Hitchcock during more than fifty years. On reading the book we feel regret that there is not more of it and our curiosity is aroused as to the balance of the mass of material which we are told he kept in carefully arranged and methodical form. Seldom do we encounter a more voluminous commentator on current events, or one more competent and ready to state an opinion.

General Hitchcock, a grandson of the distinguished captor of Ticonderoga and Crown Point, graduated at the Military Academy in 1817, too late for service in one war, he was deprived by illness from participating in Taylor's battles in the Mexican War, and he was too feeble in health to take an active part in the great Civil War; yet he held a large place in the councils of the nation and through his long career was sought out for many difficult and responsible duties.

An independent nature and a facile pen made the general an element of trouble at times. He did not hesitate to "disobey and defy" his superiors when it seemed right and just to do so, and the violence of his language has seldom been exceeded in official correspondence. We find him in conflict with such men as Andrew Jackson, Winfield Scott, and E. M. Stanton, not to speak of lesser personages such as Colonel Sylvanus Thayer, Generals Worth, Harney, Pillow, and B. F. Butler, several secretaries of war and members of Congress, yet he holds his own every time. The very animosities which he aroused seemed to make him more friends, for he was commandant of cadets at the Military Academy, was several times suggested for inspector-general by the Secretary of War and the General of the Army, declined the position of governor of Liberia, and again of commissioner of Indian Affairs, was inspector-general of Scott's army in Mexico. In the Civil War he declined about everything that could be offered to a soldier from the command of Grant's expedition to Forts Henry and Donelson, and McClellan's army on the Peninsula, to the command of the entire military forces of the country.

General Hitchcock's bitter disagreements did not always cause a permanent hostility. Notwithstanding a refusal to obey orders and an arrest by Thayer he became commandant of cadets under that same officer and his friend and supporter. His defense of General Gaines and his criticism of several acts of General Scott did not interfere with a mutual friendship being built up during which he was one of Scott's most devoted adherents. Perhaps the most remarkable instance of this kind was the case in which Hitchcock literally flayed Stanton alive for certain orders to a court-martial. But he remained a friend and adviser of Stanton and was often his brilliant and powerful defender. These stories speak well for the magnanimity of men who have not been usually given credit for a forgiving nature.

The general draws a disagreeable picture of the personnel of the army at various periods of his career. The officers seem to have been in a large degree idle, dissipated, and quarrelsome. In Taylor's army

the senior officers were not acquainted with the common drill of the battalion, much less with the movements of a brigade or army. Taylor himself could not form a brigade into line. Speaking of the volunteers of the Western states whom he was detailed to muster out of the service, he gives this parting shot: "It is vain to deny it: these troops are unworthy the name of soldiers. The officers are, for the most part, little better than the men." He pays his respects to the "mushroom" generals who owed all the reputation they made to the regular army, which many pretended to despise.

The decision to retain McDowell's Corps for the defense of Washington in 1862 seems to be traceable to Hitchcock's advice. He claims credit for urging Lincoln to send to Grant for troops to oppose Early's advance on Washington in 1864. Swinton was furnished by him with much of his material for his attacks on McClellan, which may perhaps by this means be indirectly traced to Stanton also. While acting as president of the Fitz-John Porter court, General Hitchcock wrote in his diary: "He ought to be shot."

Although General Hitchcock was an accomplished soldier he often confesses to a lack of enthusiasm for his profession and declares that his chief enjoyment is in metaphysical and esoteric studies of which he published eight large volumes.

The various Indian wars in which he engaged he considers unjust, cruel, and oppressive; the battle of Ash Hollow he calls a "bloody massacre". the Mexican War an "unholy and iniquitous proceeding".

EBEN SWIFT.

Memoirs of Gustave Koerner, 1809-1896. Life-sketches written at the suggestion of his children. In two volumes. By THOMAS J. MCCORMACK. (Cedar Rapids, Iowa: The Torch Press. 1909. Pp. xv, 628; xii, 768.)

AMERICAN students of history, who have properly concerned themselves with the details of seventeenth-century colonization, have not yet conceived in adequate perspective the contributions made to our American civilization by the colonists of the nineteenth century. When the future historian comes to gather his material for these studies, he will surely learn much from the statistician, the genealogist, and the "filio-pietistic" champions of particular ethnic elements. But for genuine insight he must depend largely upon the "life histories" of typical men, remembering always that their importance is not wholly determined by the prominence of the individual selected. The very eminence of such men as Schurz and Villard, the range of their interests and associations, lessen to a certain degree their significance as representatives of the distinctly German group. From this point of view the life of a typical German-American leader like Koerner has a peculiar value. In his experiences, his ideals, and his prejudices, in his reaction